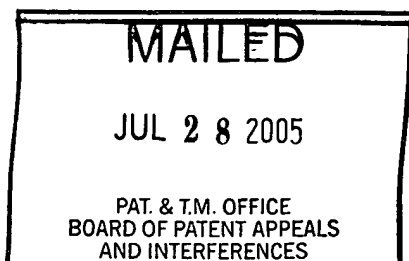




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally C. Medley
Telephone: (571) 272-9797
Facsimile: (571) 273-0042



Applicant: Wu
Application No.: 09/934,218
Filed: 08/21/01
For: Gray scale all-glass photomasks

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,326.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Sally C. Medley
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,326

Paper No.

Name: Che-KuangWu

Serial No.: 09/934,218

Patent No.

Title: Gray scale all-glass photomasks

Filed: 08/21/01

Interference with Lee et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 1

Filed:
28 July 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

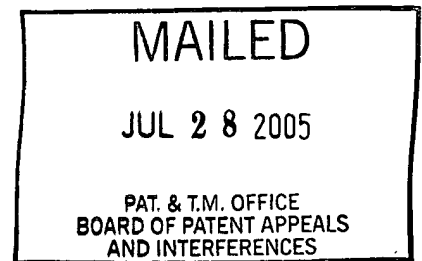
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SING H. LEE and WALTER DASCHNER
Junior Party
(Patent 6,107,000),

v.

CHE-KUANG WU
Senior Party
(Application 09/934,218).

Patent Interference No. 105,326
(Technology Center 1700)



DECLARATION - Bd.R. 203(d)

Before Sally C. Medley, Administrative Patent Judge.¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

The Board is conducting a DVD pilot project. A copy of the procedure is attached to this order.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:30 p.m. on 22 September 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER². Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

² Default times for time periods 1-10 are attached.

The Board is conducting an electronic filing pilot project. A copy of the procedure is attached to this order. Counsel should be prepared to discuss participation in the pilot project.

Part E. Identification and order of the parties

Junior Party

Named inventors: SING H. LEE, Del Mar, California
Walter Daschner, La Jolla, California

Patent: 6,107,000, granted 22 August 2000, based on
application 08/766,139, filed 17 December 1996

Title: Method for producing micro-optic elements with gray
scale mask

Assignee: The Regents of the University of California

Accorded Benefit: none

Senior Party

Named Inventors: CHE-KUANG WU, San Diego, California

Application: 09/934,218, filed 21 August 2001

Title: Gray scale all-glass photomasks

Assignee: none

Accorded Benefit: 09/507,039, filed 18 February 2000, now
Patent 6,562,523, granted 13 May 2003

08/961,459, filed 30 October 1997

60/030,258, filed 31 October 1996

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Wu application 09/934,218 claim 5

or

Lee Patent 6,107,000 claim 6

The claims of the parties are:

Wu: 1, 3-7, 9-12, 14-17, 19 and 20

Lee: 1-19

The claims of the parties which correspond to Count 1 are:

Wu: 1, 3-7, 9-12, 14-17, 19 and 20

Lee: 1-19

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Wu: none

Lee: none

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.
See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally C. Medley)

SING H. **LEE** and WALTER DASCHNER
Junior Party
(Patent 6,107,000),

v.

CHE-KUANG **WU**
Senior Party
(Application 09/934,218).

Patent Interference No. 105,326

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,107,000
Copy of claims of 09/934,218

Revised January 2005

cc (via overnight delivery):

Attorney for Wu:

FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130

Attorney for Lee:

MEDLEN & CARROLL, LLP
101 Howard Street
Suite 350
San Francisco, CA 94105